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UNCLAS NAIROBI 003643

SIPDIS

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E.O. 12958: N/A

TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KE](#)

SUBJECT: KENYA CONSTITUTIONAL REFERENDUM SET FOR 21 NOVEMBER

REF: A. (A) NAIROBI 3593

[B.](#) (B) NAIROBI 3499

[C.](#) (C) NAIROBI 3487 (D) NAIROBI 3444

[1.](#) (SBU) SUMMARY: Kenyan authorities have set 21 November as the date for the national referendum on the proposed new constitution. With a date in sight, both sides of the debate are gearing up their campaigns, even while the election officials warn both sides about campaigning and conducting civic education, and admonish the Government for partisanship. END SUMMARY.

A Date is Set and the Clock Starts Ticking

[2.](#) (SBU) Samuel Kivuitu, Chairman of the Electoral Commission of Kenya, announced on September 5 that the national referendum on the proposed new constitution will be held on November 21. Results should be announced on November [23.](#) The one question to be put before the people: are they for or against ratification of the new draft. Following Kivuitu,s announcement, new voter registration was suspended and voter registries will be inspected for irregularities from September 19 to October 18. Kivuitu also designated October 21 to November 19 as the period for campaigning on the referendum, although it is evident that both sides of the debate have been busy rallying supporters to their cause since the August 24 release of the draft. Kivuitu gave no indication of what constitutes campaigning nor of possible sanctions for violating the official campaigning period.

[3.](#) (SBU) Kivuitu stressed that responsibility for conducting civic education, focusing on educating voters about the content of the draft constitution, rests primarily with the (independent) Constitution of Kenya Review Commission (CKRC). The CKRC is itself divided on the draft constitution (ref D). Kivuitu warned the Government against delegating these responsibilities to the (Ministry-directed) provincial administration. Any attempts to delegate responsibility for civic education may be perceived as a method to ensure the content of that education leads voters to support the Government,s position. Kivuitu even went so far as to admonish the Government for taking a side in the debate and warned against making promises in return for support of the draft as a possible abuse of state resources.

[4.](#) (SBU) Kivuitu,s remarks may have been made in response to the September 4 announcement that a team of 27 MPs had been formed to spearhead the government,s &Yes8 campaign in civic education. The &Yes8 camp is gearing up for the fight ahead, with President Kibaki having already addressed several public rallies throughout the country. A major &Yes8 rally is planned for Nairobi,s Uhuru Park in two weeks time, significantly before the October 21 start of the official campaigning period.

COMMENT: The Gloves are Off

[5.](#) (SBU) Funding of the &Yes8 and &No8 campaigns will play a critical role, especially if one side (the &No8 campaign) is disadvantaged by its limited access to resources. Opponents of the draft expressed concern over Sh4 billion set aside for civic education. Shadow Finance Minister Billow Kerrow warned the government against using those and other public resources to finance the &Yes8 campaign, while the Education Minister George Saitoti raised questions about the sources of funding for opponents to the draft. Accusations of misuse and other such attacks by both sides are likely to increase as both campaigns struggle to gain supporters in the ten weeks leading up to the referendum. END COMMENT.

BELLAMY